



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 560	Assembly Amendment 1
<i>Memo published:</i> February 5, 2004 <i>Contact:</i> Richard Sweet, Senior Staff Attorney (266-2982)	

Assembly Bill 560 prohibits certain activities with respect to a practitioner's federal Drug Enforcement Administration (DEA) number, which is used for purposes of prescribing, dispensing or taking other actions regarding controlled substances. Under current law, a practitioner is a person who is licensed to prescribe and administer drugs. The bill provides that no person may do any of the following:

- Require that a practitioner include his or her DEA number on a prescription order for a drug or device that is not a controlled substance.
- Disclose a practitioner's DEA number without the practitioner's consent for any purpose other than complying with or enforcing federal or state law related to controlled substances.
- Use a DEA number to identify or monitor the prescribing practices of a practitioner, except for the purpose of complying with or enforcing federal or state law related to controlled substances.

Under the bill, the above prohibitions apply beginning on the first day of the 12th month beginning after the effective date of a U.S. Department of Health and Human Services (DHHS) regulation under the Health Insurance Portability and Accountability Act (HIPAA) that requires use of a unique identifier for health care providers.

Assembly Amendment 1 states that the above prohibitions apply beginning on the first day on which small health plans are required to comply with a DHHS regulation under HIPAA that requires use of a unique identifier for health care providers. The final federal regulation on unique identifiers for health care providers has been published in the Federal Register and small health plans will be required to comply with that regulation by May 23, 2008. [Federal Register, Vol. 69, No. 15, p. 3434, January 23, 2004.] Therefore, under the amendment, the prohibitions in the bill will apply beginning on May 23, 2008.

Legislative History

Assembly Amendment 1 was introduced by Representative Leah Vukmir. On February 3, 2004, the Assembly adopted the amendment, and passed the bill as amended, both by voice votes.

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